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In the Matter of)

Communications Assistance for)
Law Enforcement Act)

CC Docket No. 97-213

To: The Commission

**REPLY COMMENTS OF THE CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

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SUMMARY

The Cellular Telecommunications Industry Association ("CTIA") submits these Reply Comments regarding the Commission's Notice of Proposed Rulemaking for implementation of the Communications Assistance for Law Enforcement Act ("CALEA"). The wireless industry continues to support a cost-effective and timely implementation of CALEA's requirements. With the publication of the safe harbor standard, industry is moving forward to develop CALEA-compliant equipment. Further, industry has initiated a project to standardize law enforcement's enhanced surveillance capabilities, which, if proven technically feasible, will provide the FBI's "punch list" services upon appropriate reimbursement.

The Commission immediately should extend the CALEA compliance date pursuant to CALEA Section 107 because CALEA-compliant hardware and software will not be commercially available within the compliance period. No party filing comments, including the Federal Bureau of Investigation ("FBI"), disputes this basic fact, and that is the standard for an extension under Section 107.

The Commission also should find that the absence of CALEA-compliant hardware and software renders compliance "not reasonably achievable" for carriers under Section 109. And, the Commission should reject the FBI's invitation to calculate

the amount of what is reasonable for a carrier to pay. Congress expressly decided to leave that issue to the parties to resolve by agreement or by resort to court. In any event, the Commission should acknowledge that compliance is not reasonably achievable until the FBI meets its statutory obligation to publish its capacity requirements, now more than two years overdue.

Despite these good faith efforts, law enforcement continues to oppose any extension of the compliance date unless carriers and manufacturers enter into unreasonable cooperative agreements to provide the enhanced surveillance features. Senator Patrick Leahy has criticized law enforcement for this "shortsighted" approach and has stated, as we note in these comments, that an immediate extension of the compliance date is warranted.

Finally, CTIA believes that the Commission has misinterpreted CALEA's security provisions. Congress did not empower the Commission to regulate internal carrier security procedures. The Commission should not impose the proposed reporting and recordkeeping burden on carriers, especially in the absence of any record of security problems, and in no event should the Commission accept the extremely onerous procedures put forward by the FBI in its comments.

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To: The Commission

The Cellular Telecommunications Industry Association ("CTIA")¹ submits these Reply Comments in the above proceeding regarding the Commission's Notice of Proposed Rulemaking (the "NPRM") for implementation of the Communications Assistance for Law Enforcement Act ("CALEA").² In its opening comments, CTIA stressed that the Commission should grant an immediate extension of the CALEA compliance date.³ After reviewing the comments of all other parties, it should be clear to the

³ Comments of the Cellular Telecommunications Industry Association, filed December 12, 1997 ("CTIA Comments"), at 6-11.

Commission that an immediate extension of the CALEA compliance date is warranted because CALEA-compliant hardware and software will not be commercially available within the compliance period.⁴

Second, the comments submitted show two very different views of CALEA. The telecommunications industry--carrier and manufacturer alike--views CALEA narrowly as Congress intended. The Federal Bureau of Investigation (the "FBI") stands alone and isolated in its view of the law. The Commission will look in vain through 44 pages of comments for any hint of balance or concern about privacy or the cost or complexity of CALEA implementation.

Recently, Senator Patrick Leahy criticized the FBI's approach to CALEA implementation in a letter dated February 4, 1998.⁵ The Senator describes law enforcement's stance as

⁴ CTIA noted in its comments that the Commission decided not to address in the NPRM, CTIA's pending petition for a technical standards rulemaking and an industrywide extension of the CALEA compliance date. NPRM ¶ 44 (citing In the Matter of Implementation of Section 103 of the Communications Assistance for Law Enforcement Act, Petition for Rulemaking, Cellular Telecommunications Industry Association Petition (Jul. 16, 1997) (hereinafter the "CTIA Petition")). The Commission stills must address that part of the CTIA Petition that seeks an industry-wide extension of the October 25, 1998 compliance date to allow manufacturers to develop solutions for carriers to implement.

⁵ See Letter from Senator Patrick Leahy to Janet Reno and Louis J. Freeh dated February 4, 1998.

"shortsighted" and specifically notes that certain FBI demands for enhanced surveillance capabilities "appear far beyond the scope and intent of CALEA."⁶ Senator Leahy deplores the fact that "the FBI's continued insistence on the marginal 'punch list' items is only introducing further uncertainty and delay into the implementation process."⁷

Finally, CTIA applauds Senator Leahy's summary of the extension issue:

I am concerned that if the capability compliance date is not extended, carriers may seek to avoid the risk of incurring substantial penalties and/or bad publicity, by striking deals with the Department of Justice and/or the FBI that will unravel the important balance among privacy, innovation and law enforcement interests around which the law was crafted.⁸

Accordingly, the Commission cannot avoid any longer its duty to choose between two competing views. It must do so as soon as possible because, as Senator Leahy notes, continued uncertainty and doubt will postpone full implementation of CALEA.

⁶ Id. at 2.

⁷ Id.

⁸ Id. at 3.

I.
STATUS OF CALEA IMPLEMENTATION

A. CTIA SUPPORTS BALANCED IMPLEMENTATION OF CALEA.

CTIA continues to support a cost-effective and timely implementation of CALEA's requirements. As noted in its opening comments, CTIA supports this goal not only because, as another regulatory mandate, compliance directly impacts CTIA's members and the wireless industry, but also because CTIA and its members always have cooperated with law enforcement in the conduct of electronic surveillance and in many other law enforcement initiatives. Nothing in these proceedings or CALEA implementation has changed that relationship. The industry remains committed to supporting law enforcement's requirements, but in the way Congress set forth in CALEA.

B. THE INDUSTRY SAFE HARBOR STANDARD HAS BEEN PUBLISHED.

As the Telecommunications Industry Association ("TIA") informed the Commission in its comments, the proposed industry standard to implement the capability assistance requirements of Section 103 of CALEA was published as an interim standard ("IS") on November 20, 1997.⁹ As CTIA noted in its comments, the standards process envisioned by Congress has produced a document worthy of being a full American National Standards

⁹ Comments of the Telecommunications Industry Association, filed December 12, 1997, at 6.

Institute standard, and has recommended as much.¹⁰ TIA is expected to consider this request in the near future. Manufacturers and carriers now have turned to developing hardware and software necessary to implement the standard.

C. THE INDUSTRY, WITH GOOD LEGAL CAUSE, REJECTED THE FBI CAPABILITY "WISH LIST."

Law enforcement continues to claim that the industry standard is deficient because it does not contain all the surveillance capabilities it desires.¹¹ CTIA understands from materials obtained from the Commission under the Freedom of Information Act that the FBI has made a detailed presentation of its capability wish list to the Commission soon after CTIA filed its petition for rulemaking. The Commission should understand that the standards-setting body rejected the FBI's desired capabilities after many months of consideration, and after several "legal summits" with law enforcement, because the capabilities sought were beyond the scope of CALEA. While law enforcement is entitled to its legal opinion of the scope of CALEA, it should be noted that the FBI has not brought a deficiency petition before the Commission.¹²

¹⁰ CTIA Comments at 4 n.8.

¹¹ Comments of the Federal Bureau of Investigation, filed December 12, 1997 ("FBI Comments"), at 37-38.

¹² CALEA provides that if a government agency or any other person believes that industry standards are deficient, that agency or person may petition the Commission to establish

D. CTIA INITIATES AN ENHANCED SURVEILLANCE SERVICES STANDARDS PROJECT TO MEET LAW ENFORCEMENT'S NEEDS.

Even though not required by CALEA or any other law, to address the perceived need of law enforcement for enhanced surveillance capabilities, CTIA proposed that industry and law enforcement cooperate to develop an enhanced surveillance services ("ESS") standard.¹³ TIA approved the project, and the first meeting on the so-called "punch list" of FBI capabilities was held on February 4, 1998. Upon the request of law enforcement and with the concurrence of industry representatives, its consultants Booz Allen Hamilton will provide the editor for the ESS. As the ESS is developed, and assuming that technical solutions can be found for law enforcement's desired capabilities and features, law enforcement will be able to order these capabilities on an *a la carte* basis, paying for them as needed.¹⁴

by rule new standards after consideration of certain enumerated factors. 47 U.S.C. § 1006(b).

¹³ See CTIA Comments at 5.

¹⁴ It should be made perfectly clear that the ESS capabilities are not part of the industry standard. CTIA believes that the services law enforcement wants, such as monitoring the held portion of a target-originated conference call when the target is no longer present, are completely outside of CALEA and will be made available, if technically feasible, just as any other service to a customer.

E. THE FBI HAS IMPROPERLY TIED INDUSTRY DEVELOPMENT OF ENHANCED SURVEILLANCE FEATURES TO GRANTING AN EXTENSION OF THE CALEA COMPLIANCE DATE.

Carriers and manufacturers have continued to discuss the possibility of entering into cooperative agreements with the FBI to determine the cost of developing and implementing the IS and the FBI's requested enhanced features. These discussions have always been predicated on the basic understanding that an extension of the CALEA compliance date would be required in any event. In this regard, CALEA is clear: grant of an extension is tied only to commercial availability of CALEA-compliant hardware and software.

However, as noted in CTIA's initial comments, the FBI recently informed the industry that unless the disputed enhanced surveillance needs were included in any agreement to deploy CALEA solutions, the FBI would oppose an extension for that carrier or manufacturer.¹⁵ The FBI and, indeed, the Attorney General have since committed this position to writing.¹⁶ To make it crystal clear, unless the industry agrees to provide the FBI with both the basic and enhanced capabilities it desires under the rubric of CALEA, it has

¹⁵ CTIA Comments at 5.

¹⁶ See Letter from Attorney General Janet Reno to TIA President Matthew J. Flanigan at 1 (Attachment A); see also Letter from Assistant Attorney General Stephen R. Colgate to CTIA President Thomas Wheeler dated February 3, 1998 (Attachment B).

stated that it will block any extension petition filed by a carrier.

CTIA and other organizations have responded forcefully against the proposal.¹⁷ The Commission must make clear that it understands its Congressional mandate in this matter--only the Commission is empowered by Congress to decide when an extension should be granted. Granting such extensions is tied only to a showing that hardware or software necessary to implement CALEA is not commercially available.

F. FBI IMPLEMENTATION REPORT TO CONGRESS VERIFIES THAT AN EXTENSION OF THE COMPLIANCE DATE IS NECESSARY.

The FBI has reported to Congress that progress is being made on the implementation of CALEA and that its punch list, in particular, is being reviewed by manufacturers.¹⁸ What is remarkable about the Implementation Report, however, is the admission that no major manufacturer has or will have a commercially available solution to CALEA available to carriers today, by October 1998, or, in most cases, until after the year 2000. Further, the FBI has only addressed switches made by four manufacturers and apparently fully understands that

¹⁷ See Letter from Industry Associations to Assistant Attorney General Stephen R. Colgate, dated February 10, 1998 (Attachment C).

¹⁸ See Communications Assistance for Law Enforcement Act Implementation Report dated January 26, 1998 (Attachment D) [hereinafter the "Implementation Report"].

other manufacturers will not meet the CALEA compliance dates in the reasonably foreseeable future.

G. EXTENSION OF THE COMPLIANCE DATE IS IMPERATIVE.

Against this backdrop, CTIA's pending petition for a blanket industry extension requires immediate Commission action. It should also be clear that carriers and manufacturers will be seeking extensions of time under CALEA Section 107 and, as CTIA discusses below, that Commission procedures should be established to handle such petitions, particularly in regard to the Commission consultation procedures with the FBI on such petitions. It is imperative for CTIA's members that compliance obligations be settled as soon as possible.

**II.
DISCUSSION**

A. EXTENSION OF THE CALEA COMPLIANCE DATE

1. Section 107 Requires an Extension of the Compliance Date Because CALEA-Compliant Technology Is Not Commercially Available.

CTIA and several other commenters pointed out that the Commission apparently has misread the key element of Section 107.¹⁹ The purpose of Section 107 is to permit

¹⁹ CTIA Comments at 7-8; see also Comments of AT&T, filed December 12, 1997, at 24; Comments of Ameritech Corporation, filed December 12, 1997 ("Ameritech Comments"), at 8-10; Comments of Omnipoint Communications, Inc., filed December 12,

carriers to obtain an extension of the CALEA compliance date if technology necessary for compliance is not commercially available during the compliance period.²⁰ As CTIA noted, whether equipment, facilities or services are commercially available should turn on whether the carrier's vendor has developed and is able to make available the necessary CALEA technology.²¹

The Commission has been presented with no evidence that CALEA-compliant equipment, facilities or services are available from vendors today. To the contrary, in its Implementation Report, the FBI states that "[l]aw enforcement and solution providers now have a shared understanding of the technical feasibility of a switch-based CALEA capability."²² That understanding, the FBI admits, is that none of the solution providers of concern to the FBI view it as technically feasible to make a product commercially available to a carrier in time to meet the CALEA deadline.²³ Indeed, none of the solution providers expect a solution to be

1997, at 8; Comments of US West Inc., filed December 12, 1997 ("USW Comments"), at 38-39.

²⁰ 47 U.S.C. § 1006(c)(2) (emphasis added).

²¹ CTIA Comments at 7.

²² Implementation Report at 3.

²³ Implementation Report at 4.

available before the third quarter of 1999 at the earliest and possibly as late as the first quarter of 2001.²⁴

The FBI's Implementation Report focuses on three switch vendors--Nortel, Siemens and Lucent--on whose switches 90% of all wiretaps occur.²⁵ There is no mention in the Implementation Report of the other solution providers that also must meet the CALEA compliance deadline. However, the FBI admits that even among the three manufacturers cited, "it is clear that some manufacturers are further along in the development process than others."²⁶

The FBI Implementation Report is also significant because it admits that "CALEA solution deployment is dependent on individual solution provider product-development cycles and carrier deployment processes."²⁷ The FBI recognizes that in some cases a CALEA solution may need to be phased in through routine switch software releases and upgrades.

²⁴ Implementation Report at 4.

²⁵ Implementation Report at 6. The FBI also obtained information from Motorola, but that apparently was because the company was willing to provide it rather than because the FBI needed or wanted it. The FBI did not even discuss one of the other major CMRS switch manufacturers at all in its report.

²⁶ Id.

²⁷ Id. at 14.

There should be no question but that an extension of the compliance date is warranted under these undisputed circumstances. The industry should not be held hostage by a compliance date that Congress recognized might be impossible to meet as made manifest in the Section 107 extension process and when it is within the Commission's power to act now.

2. The FBI Cannot Foist Non-Switch-Based Solutions on Carriers Without Their Agreement.

The FBI also asserts in its comments that the existence of some alternative "network-based, or other non-switch-based, solutions that would enable a carrier to provide certain surveillance services to law enforcement under Section 103 . . . would preclude the grant of an extension."²⁸ The FBI elaborates on this theme in its Implementation Report to Congress.²⁹ CTIA strongly believes that, whether or not a network-based solution is feasible, the choice to implement any solution is a carrier's alone.³⁰

²⁸ FBI Comments at 41.

²⁹ Implementation Report at 3. Of course, the most the FBI can say is that this non-switch-based solution only meets "most of CALEA's capability requirements," not all.

³⁰ While CTIA does not intend to discuss the technical merits of the network-based solution offered by Bell Emergis or any other product in these comments, the Commission should understand that the carrier community does not agree with the FBI's characterization in the Implementation Report that suggests the "initial response from various carriers has been encouraging." Implementation Report at 3. To the contrary, there have been significant questions raised about the

Under CALEA, the FBI cannot force a carrier to implement some technical solution that requires network modification or redesign, let alone the attachment to its system of some foreign product.³¹ Each carrier has the absolute right to work with its own vendor to provide a CALEA solution.³² Indeed, CALEA imposes the obligation on equipment manufacturers and providers of telecommunications support services to work with their customer-carriers to find such solutions:

A telecommunications carrier shall consult, as necessary, in a timely fashion with manufacturers of its telecommunications transmission and switching equipment and its providers of telecommunications support services for the purpose of ensuring that current and planned equipment, facilities, and services comply with the capability requirements of section 103 and the capacity requirements identified by the Attorney General under section 104.³³

feasibility or desirability of the proposed non-switch-based solution and the time frames in which it can be implemented.

³¹ H.R. No. 103-827, reprinted in 1994 U.S.C.C.A.N. 3489, 3503 ["House Report"] ("[L]aw enforcement agencies are not permitted to require the specific design of systems or features, nor prohibit adoption of any such design The legislation leaves it to each carrier to decide how to comply.").

³² See, e.g., USW Comments at 39 ("because the equipment of different manufacturers is neither compatible nor substitutable, one manufacturer's solution for providing CALEA capabilities cannot be used with the equipment of another.").

³³ 47 U.S.C. § 1005(a) (emphasis added). In the legislative history, Congress noted that this Section 106 "requires a telecommunications carrier to consult with its own

Thus, the Commission should make clear that technology is commercially available to the petitioning carrier under Section 107 only when that carrier's own vendor(s) has produced it and not otherwise. The Commission should also maintain a technology-neutral approach to CALEA compliance and should state affirmatively that it is up to each carrier, working with its desired vendor(s), to decide on the technical means of meeting CALEA.

3. The Compliance Date Should Be Tolloed Pending Decision on Any Petition.

In its initial comments, CTIA urged that if the Commission does not grant a blanket extension of the compliance deadline, it should state in this NPRM proceeding that any Section 107(c) petition will toll the compliance deadline automatically if the petition is timely filed.³⁴ Given the continued passage of time, it is essential that the Commission state clearly that the deadline is tolled while a petition is pending. Otherwise, carriers could be forced to defend enforcement actions by arguing that the doctrine of primary jurisdiction should cause the court to defer ruling until the Commission acts. This is an unnecessary burden on carriers.

equipment manufacturers and support service providers." House Report at 3506.

³⁴ CTIA Comments at 10.

B. THE REASONABLY ACHIEVABLE STANDARD

1. Reasonably Achievable Compliance Requires Commercially Available, CALEA-Compliant Hardware and Software.

If CALEA compliance is to be reasonably achievable, hardware and software developed to comply with a uniform industry technical standard is essential. Industry comments all support CTIA--the absence of commercially available hardware or software to implement the standard within the compliance period is a critical factor for the Commission to consider in making a reasonable achievability determination.³⁵ Indeed, it should be dispositive for the Commission now without the need for carriers to file petitions under Section 109.

2. The Commission Must Reject the FBI Demand That the Commission Allocate Costs on Reasonably Achievable Petitions.

The FBI has suggested that the Commission impose procedural requirements for filing petitions under Section 109.³⁶ The FBI proposes that

the Commission require that individual carrier petition submissions include an estimate of the

³⁵ CTIA Comments at 12; see also Comments of SBC Communications, Inc., filed December 12, 1997 ("SBC Comments"), at 26; Comments of United States Cellular Corporation, filed December 12, 1997, at 3; Comments of the United States Telephone Association ("USTA"), filed December 12, 1997, at 12; USW Comments at 38.

³⁶ FBI Comments at 40.

reasonable costs directly associated with the modification under consideration. The showing should be required in the initial carrier petition. . . .³⁷

CTIA strongly believes that the Commission has no authority to determine *what amount* is reasonable for a petitioning carrier to pay. Congress initially considered extending jurisdiction to the Commission to resolve disputes "regarding the amount of just and reasonable costs to be paid,"³⁸ but deleted the provision before final passage.

Instead, Congress required the Attorney General to agree to reimburse a carrier for the reasonable costs of achieving compliance³⁹ and to promulgate regulations necessary to effectuate timely and cost-efficient payment to carriers with whom the Attorney General has reached agreement.⁴⁰ Indeed, the Attorney General must "prescribe regulations for purposes of determining reasonable costs."⁴¹

Thus, the Commission does not have the authority to adjudicate price disputes between a carrier and the Attorney

³⁷ FBI Comments at 40.

³⁸ House Report at 7 (proposed section 2608(f)).

³⁹ 47 U.S.C. § 1008(e).

⁴⁰ 47 U.S.C. § 1008(e)(1). The cost-reimbursement rules are found at 28 U.S.C. § 100.9.

⁴¹ 47 U.S.C. § 1008(e)(2).

General.⁴² The Commission should simply require that any petitioning party offer sufficient evidence to show that the cost of meeting CALEA's capability requirements is too burdensome or expensive based on one or all of the factors set out in Section 109.

3. Capacity Information Is Required Before Compliance Is Reasonably Achievable.

The Attorney General was required to publish her capacity requirements not later than one year after enactment of CALEA.⁴³ As the Commission in the NPRM, and as several commenters noted,⁴⁴ the FBI still has not published its capacity requirements. As industry has maintained from the time the Attorney General first put her draft capacity needs on public notice, capacity is critical to designing and implementing capability solutions.

⁴² The Commission also should reject the FBI recommendation that the Commission actually determine "in terms of dollar amounts" the amount a carrier can afford to pay for compliance. FBI Comments at 40. Here again, the Commission has no authority to determine, as the FBI asks it to, "which costs should be assumed by the carrier, and which costs should be considered for reimbursement by the Government." FBI Comments at 40.

⁴³ 47 U.S.C. § 1003.

⁴⁴ See, e.g., Comments of AirTouch Communications, Inc., filed December 12, 1997 ("AirTouch Comments"), at 7; Ameritech Comments at 9; Comments of BellSouth, filed December 12, 1997, at 17; Comments of RTG, filed December 12, 1997, at 7; SBC Comments at 27; USTA Comments at 13.

Yet, the FBI contends that the "reasonably achievable standard of CALEA does not apply to capacity compliance or reimbursement."⁴⁵ While this may be literally true, the Commission certainly is entitled to consider the impact on carriers of the delay in publishing the final capacity requirements. For example, some carriers may propose in their petitions that certain capability costs are increased significantly depending upon the architecture of the solution necessitated by capacity requirements. This is certainly a factor the Commission should consider.

C. SYSTEMS SECURITY AND INTEGRITY

1. The Commission Has Misinterpreted the Requirements of Section 105.

In its initial comments, CTIA expressed surprise by the Commission's proposed security rules for carriers. As CTIA noted, the intent of Congress was to prevent law enforcement from remotely activating wiretaps in the carrier's switching plant, not to govern internal carrier security procedures.⁴⁶

Thus, it is not surprising that the Commission's proposed carrier security procedures and policies received a negative

⁴⁵ FBI Comments at 39.

⁴⁶ CTIA Comments at 26 (citing House Report at 3506).

response from the industry in these proceedings.⁴⁷ As the Commission was informed, many carriers already have internal policies and procedures that adequately address the need to ensure that electronic surveillance is performed only when authorized and that its confidentiality is safeguarded.⁴⁸

Indeed, CTIA believes the Commission's rules would be viewed as arbitrary and capricious if its current reading of 47 U.S.C. § 229 is maintained and it imposes a burdensome regime on carriers, particularly given the absence of any evidence in the record of a need to do so.

CTIA has urged the Commission to consider a compliance certification process for all carriers.⁴⁹ The FBI opposes the use of carrier certifications as proposed by the Commission for smaller carriers and would therefore likely oppose it for

⁴⁷ See, e.g., AirTouch Comments at 19; Comments of Bell Atlantic, filed December 12, 1997, at 3-4; Comments of PrimeCo filed December 12, 1997, at 6; SBC Comments at 9; USTA Comments at 6; USW Comments at 13-14.

⁴⁸ AirTouch Comments at 19-20; Bell Atlantic Comments at 9; BellSouth Comments at 7-8; Comments of GTE Service Corporation and its affiliated telecommunications companies, filed December 12, 1997, at 6-7; Comments of 360° Communications filed December 12, 1997 ("360° Communications Comment"), at 3; SBC Comments at 17-20; Comments of Teleport Communications Group, Inc., filed December 12, 1997, at 6-7; USTA Comments at 8; USW Comments at 16-18.

⁴⁹ CTIA Comments at 28.

all carriers.⁵⁰ CTIA acknowledges that Section 229(b)(3) appears to require the submission of carrier policies without exception. However, this section must be read in conjunction with Section 229(a), which permits the Commission to promulgate rules only as necessary. Thus, the Commission can reduce the burden on carriers while furthering the goals of CALEA by requiring only a compliance certification.

2. Section 229 Refers to Court Authorizations, Not Internal Carrier Authorizations for Electronic Surveillance.

Much of the perceived need for a procedural construct erected by the Commission after consultation with the FBI disappears when a proper understanding of court authorization is in place. CTIA and others commented that Section 229 refers not to internal carrier authorization, but to the actual court order served on the carrier.⁵¹ Carriers need only have a policy in place that makes clear that surveillance must be authorized by a court. No elaborate procedures are required to accomplish this task.

The FBI, however, urges the Commission to use this rulemaking as an opportunity to prevent by rule carrier review of surveillance orders. The FBI urges the Commission to

⁵⁰ FBI Comments at 32-35 (citing NPRMX ¶ 35).

⁵¹ See, e.g., Ameritech Comments at 3; CTIA Comments at 27; SBC Comments at 9-10; 360° Communications Comments at 2.